

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724
2. Description of Action: The proposed action is for a firm-fixed-price order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of the Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering, Enterprise Systems Engineering (ESE), Enterprise Testing Service (ETS) requires the renewal of software maintenance and support services, to include updates to the latest version of software licenses for existing VA CAST Application Intelligence Platform (AIP) 1200 Technical Team Member software licenses and five CAST AIP Enlighten Application Viewer software licenses, as well as CAST AIP software training and implementation services. ESE previously acquired and has identified new use for these licenses and is transferring them within OI&T to the ETS Test Center in Bay Pines, Florida. CAST AIP is an enterprise-grade software quality analysis and measurement solution designed to analyze multi-tiered, multi-technology applications for technical vulnerabilities and adherence to architectural and coding standards. CAST AIP 1200 Technical Team Member software licenses allow for CAST AIP software application usage for up to 1,200 end-users. CAST AIP Enlighten Application Viewer software licenses are designed for limited concurrent use by a small number of end-users to model components of applications that have been analyzed by the CAST AIP software to assess appropriate operation of applications in VA production environments. The required software training and implementation services, software license updates, and renewal of software maintenance and support services shall provide ETS with increased capabilities to effectively execute its testing mission by using Original Equipment Manufacturer (OEM) CAST software analytical and measurement capability to ensure software applications function as intended. CAST AIP software will ensure software application source codes are written to maximize end-user performance, and will analyze how well software applications will operate in the intended VA production environment. The software training and implementation services shall consist of on-site training, CAST provided manuals, and other documentation needed by VA personnel for completing software installation, configuration, and implementation. The software maintenance services shall include support for any upgrades, patches, fixes, updates, or security resolutions developed by CAST. Since software maintenance ended on the CAST AIP 1200 Technical Team Member software licenses and five CAST AIP Enlighten Application Viewer software licenses on July 21, 2013, the software has not been utilized or updated since that time. Procuring the software maintenance and support services will restore the software to the most current version for use by VA. **REDACTED**

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(B) entitled, "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."

5. Rationale Supporting Use of Authority Cited Above: Based on market research as described in section 8 of this justification, it was determined that limited competition is available among authorized resellers of the required OEM CAST AIP software maintenance services on the NASA SEWP V GWAC. Without procuring the updates to this software so it can be successfully utilized, VA ETS would not be able to maximize its capabilities to analyze multi-tiered, multi-technology applications for technical vulnerabilities and adherence to architectural and coding standards. VA is not procuring new CAST AIP software, but merely bringing its existing VA CAST software licenses up to date in order to maintain its integrity. This software update through the procurement of software maintenance services can only be achieved through CAST or an authorized reseller, as the existing software is proprietary to CAST. Without access to CAST proprietary source code, technicians are unable to perform the required maintenance and support services. Specifically, no other source's software can be used to update the existing CAST AIP software licenses through upgrades, patches, fixes, updates or security resolutions. Without these services, the VA-owned CAST software will not be usable by ETS. Additionally, since the software is proprietary to the OEM, no other source provides the required training and implementation support. The marketplace does not offer third party sources that provide training and implementation support for this proprietary software. Acquisition of new quality analysis and measurement solution software licenses would incur additional costs that would not be recovered through competition as opposed to acquiring the maintenance and updates for the existing CAST AIP licenses.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined that limited competition is viable among authorized resellers of the required CAST AIP software training and implementation services, software license updates, and software maintenance. In accordance with Federal Acquisition Regulations 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and this justification made publically available on the Federal Business Opportunities page within 14 days after award. Additionally, in accordance with FAR 16.505(a)(4)(iii)(A)(2) this justification will be posted on the NASA SEWP V website with the solicitation to all contract awardees.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government's technical experts will continue to perform market research to determine if there are emerging products available that will enable future requirements to be competed.

8. Market Research: Market research was conducted by ETS technical experts from January 2015 through February 2015 by searching quality analysis and measurement solution software products on the websites of International Business Machines and Hewlett Packard. Based on reviews of these products, the Government's technical experts determined that none of these sources can provide the necessary CAST AIP software maintenance services required to make VA's current software usable, nor can these other brands provide the software training and implementation services required by VA due to the software's proprietary source code. Each software developer offers a proprietary product and associated services that will only operate with its respective software. The market research revealed that only CAST, or authorized CAST resellers would be capable of providing the services necessary for the existing VA CAST AIP software licenses. Only CAST certified software is compatible with proprietary CAST software applications.

Additionally, a Request for Information was issued on the NASA SEWP V GWAC to determine if any sources could provide the required CAST AIP software maintenance and support services, to include updates to the latest version of software licenses, training, and implementation services. One response was received from a Service-Disabled Veteran-Owned Small Business (SDVOSB) NASA SEWP V GWAC holder, stating that it could provide the required CAST AIP software training and implementation services and software maintenance services. On June 10, 2015, the Contract Specialist contacted the OEM, CAST, to determine if that vendor was the sole authorized reseller of CAST AIP products on the NASA SEWP V GWAC. CAST stated that any NASA SEWP V GWAC holder in good standing could become authorized to sell its products. NASA SEWP V prime contract holders can add line items based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP V GWAC, items and services can be added to the catalog on a daily basis.

9. Other Facts: None.